

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09-cv-10333
	)	
RONALD D. PETERSON,	)	JULIAN A. COOK, JR.
GLENN E. JOHNSON, and FIRST	)	United States District Judge
PITCH PROPERTIES, LLC,	)	
	)	DONALD A. SCHEER
Defendants.	)	Magistrate Judge
_____	)	

FIRST AMENDED COMPLAINT AND REQUEST FOR JURY TRIAL

The United States of America alleges:

1. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 to 3619.
2. This court has jurisdiction over this action under 28 U.S.C. § 1331, 28 U.S.C. § 1345 and 42 U.S.C. § 3614(a).
3. Defendants Ronald D. Peterson and Glen E. Johnson are residents of Ypsilanti, Michigan.
4. Defendant First Pitch Properties, LLC is a limited liability corporation incorporated in the state of Michigan and has its principal place of business in Ypsilanti, MI.
5. During part or all of the period of time relevant to this action, Defendant Ronald D. Peterson has owned and/or managed numerous residential rental properties in the Ypsilanti, Michigan area, including, but not limited to, the eleven properties listed in Attachment A ("the

subject properties"). These properties are single family dwellings. Since at least 2005, Defendant Peterson has retained Glen E. Johnson to manage these subject properties on his behalf.

Defendant Johnson has been responsible for the day to day management of the subject properties, including, but not limited to, approving prospective tenants' rental applications, collecting rent, and addressing requests for repairs and maintenance.

6. Since February 2008, Defendant First Pitch Properties, LLC has owned numerous residential rental properties in the Ypsilanti, Michigan area, including, but not limited to, the subject properties.

7. During part or all of the period of time relevant to this action, Defendant Ronald D. Peterson was the resident agent of and provided property management services to First Pitch Properties, LLC.

8. During part or all of the period of time relevant to this action, Defendant Glen E. Johnson was an agent or employee of First Pitch Properties, LLC.

9. Venue is proper under 28 U.S.C. § 1391(b) because the actions giving rise to the United States' allegations occurred in the Eastern District of Michigan, the subject properties are located in the Eastern District of Michigan, and Defendants Ronald D. Peterson and Glen E. Johnson reside and/or do business in the Eastern District of Michigan.

10. The rental units at the subject properties are dwellings within the meaning of 42 U.S.C. § 3602(b).

11. From at least 2005 through the present, Defendant Glen E. Johnson has been subjecting actual and prospective female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. Such conduct has

included, but is not limited to, unwanted verbal sexual advances; entering the apartment of female tenants without permission or notice; granting and denying tangible housing benefits based on sex; and taking adverse action against female tenants when they refused or objected to his sexual advances.

12. Defendant Peterson is liable for the discriminatory conduct of his agent and manager, Defendant Johnson, described above. In addition, Defendant Peterson knew or should have known of the discriminatory conduct of Defendant Johnson, yet failed to take reasonable preventive or corrective measures.

13. Defendant First Pitch Properties, LLC is liable for the above-described discriminatory conduct of its agents Ronald D. Peterson and Glen E. Johnson.

14. The conduct of Defendants described above constitutes:

- a. A denial of housing or making housing unavailable because of sex, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
- b. Discrimination in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b); and
- c. Coercion, intimidation, threats, or interference with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.

15. The conduct of Defendants described above constitutes:

- a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq.; and
  - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., which denial raises an issue of general public importance.
16. There are female tenants, prospective tenants, and persons associated with them who have been, or may have been, injured by Defendants' discriminatory conduct. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(I), and have suffered damages as a result of their conduct.
16. Defendants' conduct was malicious, intentional, willful, and/or taken in reckless disregard for the rights of others.

WHEREFORE, the United States prays that the Court enter an ORDER that:

- 1. Declares that Defendants' discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq.;
- 2. Enjoins Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them from:
  - a. Discriminating on account of sex against any person in any aspect of the rental of a dwelling;
  - b. Interfering with or threatening to take any action against any person in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended; and
  - c. Failing or refusing to take such affirmative steps as may be necessary to

restore, as nearly as practicable, the victims of Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct;

3. Awards monetary damages to each identifiable victim of Defendants' discriminatory housing practices for injuries caused by their discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
4. Assesses civil penalties against Defendants in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(c).

The United States further prays for such additional relief as the interests of justice may require.

Dated: \_\_\_\_\_

TERRENCE BERG  
United States Attorney

s/Judith E. Levy  
JUDITH E. LEVY  
Assistant United States Attorney  
Eastern District of Michigan  
211 West Fort Street, Ste. 2001  
Detroit, Michigan  
Tel.: (313) 684-3711  
Fax: (313) 226-9727

Respectfully submitted,

ERIC HOLDER  
Attorney General

s/Loretta King  
LORETTA KING  
Acting Assistant Attorney General  
Civil Rights Division

s/Steven H. Rosenbaum  
STEVEN H. ROSENBAUM  
Chief  
Housing and Civil Enforcement Section

s/Timothy J. Moran  
TIMOTHY J. MORAN  
Deputy Chief  
JENNIFER E. MCALLISTER  
Trial Attorney  
Housing and Civil Enforcement Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W. - G St.  
Washington, DC 20530  
Tel.: (202) 305-2011  
Fax: (202) 514-1116

**Attachment A**

1. 377 Worden Avenue
2. 389 Worden Avenue
3. 600 Calder Avenue
4. 740 Calder Avenue
5. 800 Calder Avenue
6. 1779 Knowles Street
7. 720 Fox Avenue
8. 730 Fox Avenue
9. 749 Fox Avenue
10. 750 Fox Avenue
11. 659 Fox Avenue